



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL GARCIA,

Plaintiff,

-against-

C.O. THOMAS, et al.,

Defendants.

21-CV-636 (GBD) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court held a status conference today concerning *pro se* plaintiff Daniel Garcia's failure to execute, notarize, and return copies of the medical release forms repeatedly sent to him by defendants' counsel, despite three orders of this Court directing him to do so. *See* Dkt. Nos. 28, 38, 39, 40, 41. Defendants appeared through counsel. Plaintiff did not appear, despite courtesy voicemails left for him at his telephone number of record by Court staff and by the New York City Law Department, on March 29 and 31, respectively, confirming the conference.¹

At the conference, defendants requested and received leave to file a motion to dismiss this action pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. Defendants' motion papers are due **no later than April 15, 2022**. Plaintiff's opposition papers are due **no later than April 29, 2022**. Defendants' optional reply papers are due **no later than May 6, 2022**.

The Clerk of Court is respectfully directed to mail a copy of (1) this Order and (2) the Order at Dkt. No. 40 to the plaintiff.

Dated: New York, New York
April 1, 2022

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses".

BARBARA MOSES
United States Magistrate Judge

¹ On review of the file, the Court notes that its written Order dated February 25, 2022 (Dkt. No. 40), scheduling the conference for today, does not appear to have been mailed to the plaintiff. Consequently (and notwithstanding the reminder calls placed to his telephone number), plaintiff will not be sanctioned for his failure to appear.